

REMARKS

The Examiner rejected Claims 4 and 8 under 35 U.S.C. 102(e) as being anticipated by Shiiki, *et al* (hereafter "Shiiki")(US 6,762,551). The above amendments cancel these claims, and hence, render this rejection moot.

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Shiiki. Applicant traverses this rejection. "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." (*Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103). "When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference" (*In re Rijckaert*, 28 USPQ2d, 1955, 1957).

In making this rejection, the Examiner stated that Shiiki discloses the claimed invention, except for the phosphor sheet 5 being a single crystal. However, the Examiner maintains that it would be obvious to choose a monocrystalline phosphor to be used in the wavelength changing sheet 5 in order to increase the light efficiency emitted there from. The Examiner does not point to any teaching in the art to support this contention.

Furthermore, there is no teaching that the phosphors taught in Shiiki are available in single crystal form. Shiiki teaches the use of phosphors that are made as powders and then suspended in a binder.

Finally, there is no mention of light scattering problems or requirements of higher light conversion efficiency. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 5.

The Examiner rejected Claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Shiiki in view of Yamashita (US 4,599,537). Applicant traverses this rejection.

In making this rejection, the Examiner stated that Shiiki discloses the limitations with the exception of the cap being a spherical surface with a constant thickness. The Examiner

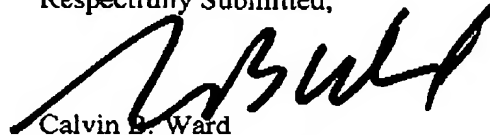
looks to Yamashita for the missing teaching. The Examiner specifically points to Figures 4 and 8 of Yamashita.

With reference to Claim 6, the cited figures do not show a cap having phosphor particles and an inverted cavity with the chip being on the concave side of the cavity. The device shown in Figure 4 has a solid cap with holes filled with phosphor. The chip is not in a cavity. The structure shown in Figure 8 includes a cavity, but the cavity does not have a concave side. In this respect, it should be noted that element 3a shown in Figure 8 is a solid lens that could not be the cap, since it has no phosphor. Hence, the combined teachings of the references do not teach all of the limitations of Claim 6. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 6.

With reference to Claim 7, Yamashita does not teach a cap of a constant thickness in the form of a spherical surface. The caps shown in the cited figures are hemispheres or a lens. Second, Yamashita teaches that the caps are clear material with holes drilled in them. The phosphor is placed in the holes. Hence, the combined teachings of the references do not teach all of the limitations of Claim 7. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 7.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



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